

REMARKS

Claims 1 – 34 are pending, and claims 1 – 34 stand rejected. Claims 1 and 18 have been amended. Claims 5 and 22 have been canceled. The applicant respectively traverses the rejection and request allowance of claims 1 – 4, 6 – 21, and 23- 34. If the claims are not allowed applicant respectively request an advisory action.

Claims 1 – 5, and 18 - 22 are rejected under 35 U.S.C 102(e) as being anticipated by Yu et. al. (US 6,504,846). “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. V. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed Cir. 1987). Amended claim 1 requires:

“wherein the control logic is configured to transfer an exhaustion signal if a number of the pointers to the de-allocated buffers reaches a minimum threshold; and the core processor configured to create additional external buffers and their corresponding pointers in response to the exhaustion signal.”

Support for the amendment is found at page 4, lines 3 – 5 and page 5, lines 7 – 8 and in canceled claim 5. No new matter has been added.

Amended claim 1 has the limitation that “the core processor (is) configured to create additional external buffers and their corresponding pointers in response to the exhaustion signal”. None of the cited art has additional external buffers being created in response to an exhaustion signal.

Because Yu does not contain a core processor that creates additional buffers in response to the exhaustion signal, as required by claim 1, the examiner has not

established the requirements for a *prima facie* case of anticipation. Therefore Claim 1 is allowable as written.

Claims 2 – 4 and 6 – 17 depend on allowable claim 1. Therefore claims 2 – 4 and 6 – 17 are also allowable.

Claim 18 also has a limitation that additional buffers are created in response to the exhaustion signal. Therefore the arguments for claim 1 (above) apply to claim 18 and claim 18 is allowable as written.

Claims 19 – 21 and 23 – 34 depend on allowable claim 18. Therefore claims 19 – 21 and 23 – 34 are also allowable.

The prior art made of record and not relied upon has been reviewed and is not considered relevant.

Conclusion

Based on the above remarks, the Applicants submit that claims 1 – 4, 6 – 21, and 23- 34 are allowable. There may be additional reasons in support of patentability, but such reasons are omitted in the interests of brevity. The Applicants respectfully request allowance of claims 1 – 4, 6 – 21, and 23- 34.

Any fees may be charged to deposit account 502622.

Respectfully submitted,

Date: 5/18/04


SIGNATURE OF PRACTITIONER
Steven L. Webb, Reg. No. 44,395
Duft Setter Ollila & Bornsen LLC
Telephone: (303) 938-9999 ext. 22
Facsimile: (303) 938-9995

Correspondence address:

CUSTOMER NO. 36122